

Serial No. 10/647,556

Attorney Docket No. PO3242

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SEP 28 2006**REMARKS**

Reconsideration of claims 1-8 and 10-21 is respectfully requested. Claims 9, 19 and 22-24 are canceled. Claims 1-4, 10-14, 20 and 21 are amended. Claims 25-38 are withdrawn from further consideration as being directed to a non-elected invention.

Consideration of new claims 39 - 43 is respectfully requested. Support for new claim 39 is provided in-part in the application on page 8, lines 30-32 and FIG. 5. Support for new claims 40 and 41 is supported in-part by original claims 2 and 3. Support for new claims 42 and 43 is provided in-part by original claims 13 and 8, respectively.

Formal drawings are submitted with this Amendment. The specification is amended in accordance with the objections presented in paragraph 3 of the Official Action.

The rejection of claims 4, 14, 20-21 and 23-24 under 35 USC 112, first paragraph (enablement) is respectfully traversed with respect to the amended claims. Claims 23-24 were canceled. For example, the terms "hold ... or discharge the lens, respectively" has been deleted.

With respect to the examiner's objection to use of the term "plasma head" or plasma generating head", Applicants have amended the claims to the latter term. As suggested by the examiner, one of ordinary skill in the art would indeed recognize that the term at issue refers to a source component of a plasma generating system that is used to generate a plasma, e.g., an electrode. The term does not imply any particular shape, and is inclusive of all shapes, e.g., including the shape of a bar as depicted in FIG. 3 (204.n) and FIG. 4 (300.n). Accordingly, Applicants respectfully request that the rejection be withdrawn with respect to the amended claims.

The rejection of claims 4, 6, 11, 14, and 20-24 under 35 USC 112, second paragraph is respectfully traversed with respect to the amended claims.

The rejection of claims 12-13 and 15-20 under 35 USC 103(a) as unpatentable over Moorehead (US 5,503,515) and optionally in view of Peyman et al. (US 4,312,575), and the rejection of claims 14, 20 and 21 under 35 USC 103(a) as unpatentable over

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Moorehead in view of Peyman and optionally in view of Heming et al. (US 6,025,013) is respectfully traversed with respect to the amended claims.

Claims 12-13 and 15-20 have been amended and are directed to a process that utilizes transfer plates that includes an 'array of spindles [or opposite spindles] with a concave or convex surface.' The amended claims are supported in-part in the application, e.g., page 8, lines 30-32 and FIG. 5. Because there is no teaching or suggestion in Moorehead of supporting each lens on an array of spindles having a concave or convex surface, Applicants respectfully request that the rejection over Moorehead alone be withdrawn.

With respect to the proposed combination of the teachings of Moorehead with Heming and/or Peyman, the combination fails to describe each and every limitation of the claimed process. There is no teaching or suggestion in Moorehead or Heming of supporting each lens on a transfer plate to substantially expose one surface of the lens to a plasma treatment process in which the lens is supported on a spindle having a concave or convex surface. Although Peyman does describe a lens support system with spindles that have a concave or convex shape, the lens support system does not allow for the transfer of the lens to one array of spindles with a concave/convex surface to an opposite array of spindles with a concave/convex surface in order to substantially expose one surface of a lens to plasma treatment and then to substantially expose the opposite surface. Instead, Peyman describes treating an inner portion of both surfaces of a lens to plasma treatment by supporting the lens about the circumferential edge of the lens (step one, FIGS. 1 and 2), and then treating the previously held outer edge region with the double spindle arrangement (step two, FIGS. 3 and 4).

Applicants submit that application of Peymans' lens support does not substantially expose one surface and then substantially the opposite surface of the lens. Rather, approximately equal portions of both surfaces are simultaneously treated if the lens support system of Peyman is used in any plasma treating system. Morehead describes treating substantially one surface followed by rotation of the lens and treatment of the opposite surface. Accordingly, the proposed combination of Moorehead with Peyman defeats the teachings and suggestions of each reference, i.e., how the surfaces of

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the lens are treated. Applicants submit that the teachings of each reference as a whole must be considered to properly conclude that a particular reference suggests to one of ordinary skill in the art to make the modification proposed by the rejection. Applicants respectfully submit that the examiner has not fully considered the entirety of each of the cited references. This is error. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Heming describes a lens support system with a rotisserie-like spindle support system in which the lens materials are edge supported. Rotation of the lens by 180° by rotating along the spindle axis's allows one to plasma treat one surface then the other. Again, there is no teaching or suggestion in Heming to transfer the lens to one spindle and then to another spindle where each of the spindles have a concave/convex surface. See, Official Action, page 12, bottom. Applicants respectfully submit that Heming fails to cure the deficiency in the teachings of Moorehead and Peyman. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Applicants request that the rejection of claims 22-24 under 35 USC 102 (e) over Suzuki (US 6,610,350) or under 35 USC 102 (b) over Zimmerman (US 5,211,759) be withdrawn. Claims 22-24 are now canceled.

The rejection of claims 1-11 under 35 USC 103 (a) as unpatentable over Heming in view of Dobner (US 5,969,793) and Zimmerman is respectfully traversed with respect to the amended claims. The examiner has acknowledged that Heming does not teach or suggest plasma treating one surface of a lens, and then transferring the lens from the first spindle to another spindle so that the opposite surface can be treated. Instead, Heming describes a rotisserie-like spindle support system in which the lens materials are edge supported. To account for this deficiency in Heming the rejection relies upon the teachings and suggestions of Dobner (US 5,969,793). The examiner concludes that "it would have been obvious to one of ordinary skill in the art to employ a positioning/transfer device, such as taught in Dobner, as an alternative to Heming's et al. rotary/positioning device". Applicants respectfully disagree and submit that the examiner has not established a proper *prima facie* case of obviousness for the following reasons.

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Dobner describes an automatic extraction and positioning system to remove a formed contact lens from its concave mold with a spindle having a convex surface. The extraction spindle is also designed to properly position the extracted lens for edge polishing. The shear ring about the plunger or spindle 11 ensures that the spindle is properly centered with respect to the mold and lens for edge polishing. See, col. 2, lines 32-36; and col. 3, lines 19-21. Once the lens is properly centered on the plunger, the lens can be transferred to an edge polisher.

There is no teaching or suggestion in Dobner to use a "spindle as one electrode" and then process an exposed opposite surface of the lens to a plasma treatment process, then transfer "the lens to an opposite spindle ... to expose the [other] surface\of the lens" to a plasma treatment process. More importantly, Dobner does not teach or suggest the use of an opposite spindle. Instead, Dobner uses a single spindle to extract and position the lens for edge polishing. More importantly, at no time does a transfer occur between two spindles separated in time by a plasma treatment. In fact, there is no mention of using the extraction/positioning tool of Dobner to support a lens for plasma treatment. Also, there is not teaching or suggestion in Heming to transfer the lens from one spindle to another, as claimed, where one can simply use the described rotisserie-like spindle support system in which the rotation of the lens by 180° allows one to plasma treat one surface then the other.

Given the teachings of Heming's rotisserie-like spindle support system why would one of ordinary skill be motivated to substitute the extraction/positioning lens support system of Dobner when Dobner does not even concern itself with plasma treatment. Accordingly, Applicants respectfully submit that the examiner has used the teachings of their own disclosure to reject the claims. This is error. Because there is no motivation in the cited references to substitute one lens support system for the other, the rejection under section 103 is improper. Applicants respectfully request that the rejection be withdrawn.

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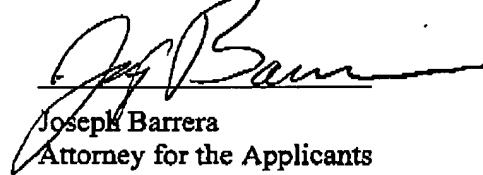
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In view of the above, it is submitted that the claims are patentable and in condition for allowance.

Applicants submit that no fee is due with this Amendment. However, if this is not correct, please charge Deposit Account No. 02-1425 from which the undersigned is authorized to withdraw.

September 28, 2006

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sanjay Rastogi et al.

: Group Art Unit: 1762

Serial No. : 10/647,556

: Examiner: Marianne L. Padgett

Filed: August 25, 2003

Title: PLASMA TREATMENT OF CONTACT
LENS AND IOL

: Attorney Docket No.: PO3212

Commissioner for Patents
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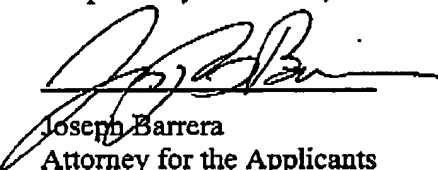
SUBMISSION OF FORMAL DRAWINGS

Sir:

Applicants hereby submit formal drawings in response to the Official Action
dated August 10, 2006.

September 28, 2006

Respectfully submitted,



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